

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
TARRANT DIVISION

ANTONIO J. FOSTER #22799160
Plaintiff's Name and ID Number

TARRANT COUNTY JAIL
Place of Confinement

4-20CV-113-A

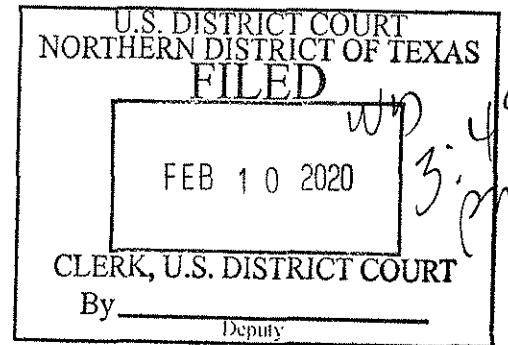
CASE NO. _____
(Clerk will assign the number)

v.

TARRANT COUNTY SHERIFFS DEPT.
Defendant's Name and Address

200 TAYLOR STREET
Defendant's Name and Address

FORT WORTH, TX 76102-2084
Defendant's Name and Address
(DO NOT USE "ET AL.")



INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from you inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ___ YES ☒ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

- II. PLACE OF PRESENT CONFINEMENT: WAYNE SCOTT UNIT
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:
 Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO
 Attach a copy of your final step of the grievance procedure with the response supplied by the institution.
- IV. PARTIES TO THIS SUIT:
- A. Name and address of plaintiff: ANTONIO J. FOSTER, TDCT #2279960,
WAYNE SCOTT UNIT, 6999 RETRIEVE RD., ANGLETON,
TEXAS 77515
- B. Full name of each defendant, his official position, his place of employment, and his full mailing address.
- Defendant #1: TARRANT COUNTY SHERIFFS DEPT, 200 TAYLOR ST.,
FT. WORTH, TX 76102
 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
ALLOWED A COMMON PRACTICE / POLICY TO PERSIST WHICH IS UNCONSTITUTIONAL
- Defendant #2: SGT. J. ARROYO, CORRECTIONS OFFICER, TARRANT COUNTY
SHERIFFS OFFICE, 200 TAYLOR ST., FT. WORTH, TX 76102
 Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.
Struck me in the face with a closed fist while I was in hand restraints.
- Defendant #3: John Doe, Transport Officer, Tarrant County Sheriff's
Office, 200 Taylor St., Ft. Worth, TX 76102
 Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.
Struck me in the back of the head w/ a closed fist while I was restrained
- Defendant #4: John Doe, Transport Officer, Tarrant County Sheriff's
Office, 200 Taylor St., Ft. Worth, TX 76102
 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
Deliberately indifferent to the assault. Watched as John Doe struck me.
- Defendant #5: _____

 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

All defendants are being sued in their individual and official capacity.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

In April 2019 I was incarcerated in Tarrant County Jail as a pretrial detainee. On April 1, 2019 while I was in hand restraints Sgt. J Arroyo did maliciously and sadistically strike me in the face with a closed fist. This was not done in a good faith effort to restore discipline but rather was done with the intention to cause me physical harm. As a result of the assault I suffered a severe bruise to the right side of my face that lasted several days and required medical attention. There was no need for the application of force and the assault violated my constitutional rights. The Sgt. acted with malice because there was no need for the use of force. His assault resulted in my pain, physical suffering, and emotional distress.

cont. on pg. 6

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Court Costs and Attorney Fees
\$50,000 in damages against all defendants jointly and severally, \$25,000 only against Sgt. J. Arroyo and \$25,000 only against John Doe, defendant #3.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

N/A

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

2279960

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES X NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☐ NO ☒

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 01-03-20
DATE

Antonio J. Foster
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 3rd day of January, 20 20.
(Day) (month) (year)

Antonio J. Foster
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

CLAIM CONT.

On April 3, 2019 Defendant #3, Officer John Doe, was transporting me from court to my housing area. I had been placed in hand restraints. As I entered the elevator Officer John Doe struck me in the head two times behind my right ear and on the back of my head. The assault resulted in swelling behind my right ear which required medical attention. The swelling lasted for two days and then bruised. This was done in sight of the camera on the elevator and resulted in my pain, suffering, and emotional distress. The officer acted with malice because the assault was wanton since there was absolutely no need for it. Defendant #4, Officer John Doe, was present during the assault and did nothing to stop it nor did he ~~see~~ report the assault to his supervisors, and his failure to act constitutes deliberate indifference to the serious violation of my constitutional rights.

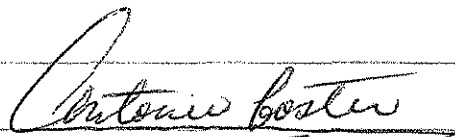
This assault is the result of commonly accepted practice and unofficial policy in Tarrant County where guards are encouraged to use excessive force against pretrial detainees being housed in Tarrant County Jail. Guards are not properly and adequately trained on how to handle inmates with mental health issues and this subtle acceptance resulted in my pain, physical suffering, and emotional distress.

DECLARATION OF ANTONIO FOSTER

On the day of 4-01-2019 I was due in Court, when I arrived at Court. Video will show me checking in with officer Hernandez, After I was told to stand in line which I do following all Tarrant County inmate hand book rules. Yet I was still preyed on by Corporal Charles Lewis in a Sadistic matter all because ~~take~~^{we} had a minor disagreement in the past were then, I had called him a coon three week earlier to the day of 4-01-2019. So on the day of 4-01-2019 is the very next time I see Corporal Charles Lewis I was standingⁱⁿ line. Video will show but you mite not hear him say to me, "do we still have a problem?" which to anser his Question, I don't say nothing. Because I want to appear in Court. I follow all his direction, He pulls me to Court holdover on Level One. On the way there he tells me that I wont be going to Court. Corporal Lewis knew just how to provoke me because he look at my Jail History as well as, MIMA history. I was later brought to Level two with Spit Catcher on, with handcuffs. When There I Ask to Speak with a Superior officer That when I Came in Contact with Defendant Sgt. J. Arroyo. He was not trying to talk to me municipal Customs do exist. Sgt. J. Arroyo without heari my side Said take him to "Lecc", which is Tarrant County Solitary ConAnement. after that I Spit on Sgt J Arroyo Video will show while I was hand cuffed. Sgt J. Arroy

again video will show,
he then hits me with a closed fist I was dragged
and beat all the way to Lecc. On the day of 4-03-2019
I was Arraigned on new charges of Harassment
Civ. While I was being arraigned I told the Judge
that I Fear For my life Video will show she then tells
me that's an I Quote, a Civil matter rite then I
was told to shut up by the Escorting officer which I
will have to name ees of now as John does both of them
will be named in this Suit. After I was arraigned I
went straight back but when I got on Elevator
I was Assaulted on by one of the officers twice
while the other officer watched. Once on elevator
and once while on Medical hall way on Level 5. Sgt J.
Arroyo also lied on police report when he said he
hit me with a open hand to subdue me if that
was so why lie on police Report. Video will show.
Police Report will show also.

I declare under penalty of that the foregoing
is true and correct.


Antonio J. Foster

PRIVILEGED OFFENDER MAIL
NOT INSPECTED BY TEXAS
DEPARTMENT OF CRIMINAL
JUSTICE - CORRECTIONAL
INSTITUTIONS DIVISION



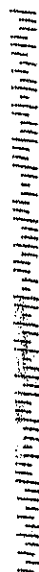
FOREVER / USA

CLERK OF DISTRICT COURT
NORTHERN DIST. OF TX
FORT WORTH DIVISION
RECEIVED

2020 FEB 10 PM 3:50

DEPUTY CLERK

North District
501 W 10th St. Rm 406
Ft. Worth TX 76102



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RECEIVED

FEB 10 2020

U.S. PROBATION
FORT WORTH, TEXAS

Antonio Foster #2279960
Wayne Scott Unit
6999 retrieve Angleton TX 77515